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**Statement by Senator John H. Chafee  
Before the  
Senate Commerce, Science and Transportation Committee  
Environmental Tobacco Smoke (ETS)**

WASHINGTON, D.C. -- U. S. Senator John H. Chafee (RI), Chairman of the Senate Environment and Public Works Committee made the following remarks at a hearing of the Senate Commerce, Science and Transportation Committee. The Commerce Committee received testimony on the topic of comprehensive tobacco reform legislation. Chafee's remarks focused on the hazards of Environmental Tobacco Smoke (ETS).

"I would like to thank the Chairman, and the Committee, for this opportunity to address the issue of tobacco legislation.

"As you may know, the Environment and Public Works Committee has jurisdiction over the Environmental Tobacco Smoke &mdash; or ETS &mdash; portion of the tobacco settlement because ETS is a component of indoor air quality.

"Our Committee scheduled a hearing on this issue. Unfortunately, the hearing had to be postponed, and we have not been able to reschedule it. Our intention is to hold a hearing once the various legislative proposals on the issue have been developed, so we can take into account the different ideas for addressing ETS exposure.

"ETS poses a difficult public policy issue. The ETS exposures of most concern are beyond the reach of the federal government. Those most vulnerable to ETS are children and non-smoking adults that live with smokers. Thus, the greatest problem is smoking in the home.

"Workplace exposures are of concern, but an individual must be exposed to a significant concentration of smoke during working hours. Bars and restaurants are among the smokiest places, and smoke there can often result in health problems. However, it is the employees, not the patrons who are most at risk.

"Let me share with you some of the relevant findings on this matter. It is clear that ETS is a health threat.

Second-hand smoke has same constituent chemicals as smoke inhaled directly from a cigarette. If one is around enough ETS, for enough time, the effect is the same as smoking.

"Children are the most sensitive to tobacco smoke. This is because they are developing quickly and breathe more rapidly, and in greater relative volumes than adults. Let me cite some statistics from the EPA's risk assessment on ETS and other related research. The effects of ETS on children less than 18 months of age are particularly staggering &mdash; up to 15,000 (EPA) of such children are hospitalized each year with lower respiratory tract infections such as pneumonia and bronchitis. As many as half of the 5,000 cases of Sudden Infant Death Syndrome may be caused by ETS. Researchers also estimate that ETS lowers the birthweight of up to 19,000 babies, and causes at least 250,000 (EPA) middle ear infections and 8,000 (EPA) new cases of asthma in children each year.

"In adults, ETS has the same effects as cigarette smoke. ETS causes 3,000 lung cancer deaths each year. It also contributes to heart disease.

"Researchers have determined that both the concentration and the duration of the exposure are factors that determine whether one's health is likely to be adversely effected. Since most of us spend nearly twice as much time in our home as in our offices, home exposures are more significant. The non-smoker living with a smoker is also likely to ride in a car more often with a smoker, which can result in a very high concentration of tobacco smoke. Concentrations of ETS in restaurants and bars can be very high, but as a customer, we are not often exposed for a long periods of time.

"So, the question remains, what legislative approach would most appropriately address this problem? The settlement document developed by the Attorneys General and the industry contemplates the regulation of every building in the nation entered by 10 or more people on any day &mdash; the dry cleaner, the photography shop, the antique store, every such shop. Bars and restaurants would be exempted.

"The logic to this approach is that the government can easily control most every non-residential building in the nation through workplace regulations. Presumably this would be policed by OSHA.

"This approach will do little to reduce the exposures of real concern. The fact is, children are not going to be effected by workplace regulations and the government can not regulate parental behavior. So this is a tough problem. The role for the federal government is not clear. It may be that the best action could be an aggressive advertising campaign about the dangers of ETS, especially to one's children.

"I believe the logic for exempting the bars and restaurants is rooted in the belief that while we have to go to work, we can choose where we eat or drink. We can avoid smokey establishments if we want to. Ironically, this logic leaves exposed those who work amid the highest concentrations of smoke for the longest times. Bars can have six times the smoke density of the average workplace, and it is commonplace for employees to work extended shifts.

"Of course, the federal government could easily regulate these places. However, bar and restaurant owners are concerned that patrons will come less often and spend less time if they can not have a cigarette while they linger over dessert or a drink.

"So, you can see that this is not an easy problem to solve. Our Committee will continue to look at this problem, and we hope to provide the Senate with thoughtful guidance on its resolution."

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